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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,441	02/15/2002	Paolo B. Tiramani	P 265365 Z-3010 CON3	8316

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/17/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/075,441

Applicant(s)
TIRAMANI et al.

Examiner
James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 15, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The preliminary amendment filed 2/15/02 amended the specification by adding the priority information. It is noted that the specification should be amended to reflect that 09/731,780 is now U.S. Patent No. 6,347,847; 09/433,352 is now U.S. Patent No. 6,176,559; and 09/017,197 is now abandoned. ✓
Appropriate correction is required.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). ✓

Misnumbered claims 18-21 been renumbered 17-20.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 is indefinite since it depends upon itself [for examination purposes, the examiner has taken the position that claim 16 depends from claim 15]. Claim 18 is indefinite since the phrase "said carrying handle" does not have a proper antecedent basis [for examination purposes, the examiner has taken the position that claim 18 depends from claim 17].

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 3, 5, 7, 12 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Craftsman Catalog [known hereafter as CC]. CC (pages 7 & 13) teaches of a rolling containers

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assembly comprising: a base cabinet including wheels and a pulling handle for moving the assembly; and at least one additional cabinet being removably connectable on top of the base cabinet [all depicted in the figures depicted on the pages]. The additional cabinet being a toolbox and is a modular unit [see cover of catalog for example]. The toolbox includes a case and an openable cover, the cover formed with underlying strengthening ribs (see peripheral edges of the cover as shown on page 7). The toolbox also including a latch for securing the cover to the toolbox.

7. Claims 1, 3, 5, 7-8, 11 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickinson [U.S. Patent No. 5,482,162]. Dickinson (figures 1-17) teaches of a rolling containers assembly comprising: a base cabinet including wheels and a pulling handle for moving the assembly; and at least one additional cabinet being removably connectable on top of the base cabinet [all depicted in the figure 1]. The additional cabinet being a modular unit toolbox (see figures 1-2). The toolbox includes a case and an openable cover, the cover formed with an external groove (fig. 1 for example) capable of supporting rectangular and round objects, the groove having grip ribs on at least a section thereof (see grip ribs on either side of any diagonal groove). The toolbox also including a latch for securing the cover to the toolbox.

8. Claims 1-3 & 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chi [U.S. Patent No. 5,971,119]. Chi (figures 1-7) teaches of a rolling containers assembly comprising: a base cabinet (10) including wheels and an extendible pulling handle for moving the assembly; and at least one additional cabinet (20) being removably connectable on top of the base cabinet [when

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viewed on it's side]. The additional cabinet being a modular unit "toolcase" {able to be compartmentalized and store tools]. The toolcase includes a case and an openable cover (fig. 1), and the additional cabinet snaps onto the base cabinet via members (30 & 40).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craftsman Catalog in view of Cottrell. CC teaches applicant's basic inventive claimed concept as disclosed above, but does not show the assembly as including a reel. However, Cottrell (figures 1-3) teaches of a mobile base cabinet having a reel (30) in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the assembly of CC so as to incorporate a reel as taught by Cottrell because a reel would enable CC's assembly to store cord or wire in a compact and manageable manner.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson in view of Cottrell. Dickinson teaches applicant's basic inventive claimed concept as disclosed above, but does not show the assembly as including a reel. However, Cottrell (figures 1-3) teaches of a mobile base cabinet having a reel (30) in an analogous art. It would have been obvious to a

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person of ordinary skill in the art at the time the invention was made to modify the assembly of Dickinson so as to incorporate a reel as taught by Cottrell because a reel would enable Dickinson's assembly to store cord or wire in a compact and manageable manner.

12. Claims 8-10, 15-18 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craftsman Catalog in view of Applicant's Prior Art Admission (Figures 17A & 19A) known hereafter as APAA. CC teaches applicant's basic inventive claimed concept as disclosed above, but does not show the assembly's cover as having an external asymmetrical groove, external protrusions or a foldable carrying handle. However, APAA (figures 17A & 19A) teaches of a portable toolcase having a cover formed with an asymmetrical groove (fig. 19A), the cover having external protrusions (fig. 17A) deployed above strengthening ribs, and the cover having a foldable handle (fig. 19A) in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the additional (portable) cabinet of CC so as to include an asymmetrical groove, external protrusions and a foldable handle on its cover as taught by APAA because the groove would provide a suitable supporting structure for holding a rod or bar, the external protrusions would provide a suitable skid resistant surface, while the handle would provide a centrally located lifting means for transporting the cabinet [as opposed to the side mounted carrying handles].

13. Claims 8-10, 15-18 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson in view of Applicant's Prior Art Admission (Figures 17A & 19A) known hereafter as APAA. Dickinson teaches applicant's basic inventive claimed concept as disclosed above, but

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does not show the assembly's cover as having an external asymmetrical groove, external protrusions or a foldable carrying handle. However, APAA (figures 17A & 19A) teaches of a portable toolcase having a cover formed with an asymmetrical groove (fig. 19A), the cover having external protrusions (fig. 17A) deployed above strengthening ribs, and the cover having a foldable handle (fig. 19A) in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the additional (portable) cabinet of Dickinson so as to include an asymmetrical groove, external protrusions and a foldable handle on it's cover as taught by APAA because the groove would provide a suitable supporting structure for holding a rod or bar, the external protrusions would provide a suitable skid resistant surface, while the handle would provide a centrally located lifting means for transporting the cabinet.

14. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craftsman Catalog in view of Meisner et al., [U.S. Patent No. 5,011,013]. CC teaches applicant's basic inventive claimed concept as disclosed above, but does not show the additional cabinet's cover as having strengthening ribs deployed 90 degrees crosswise with respect to one another. However, Meisner (figures 1-9E) teaches of a portable cabinet having a cover (14) including strengthening ribs (94a & 94b for example) deployed at 90 degrees crosswise to each other in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the cover of CC so as to include the strengthening rib structure as taught by Meisner because this arrangement would help to transfer a load applied to the cover of CC's cabinet.

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15. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson in view of Meisner et al., [U.S. Patent No. 5,011,013]. Dickinson teaches applicant's basic inventive claimed concept as disclosed above, but does not show the additional cabinet's cover as having strengthening ribs, with the ribs deployed at 90 degrees crosswise with respect to one another. However, Meisner (figures 1-9E) teaches of a portable cabinet having a cover (14) including strengthening ribs (94a & 94b for example) deployed at 90 degrees crosswise to each other in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the cover of Dickinson so as to include the strengthening rib structure as taught by Meisner because this arrangement would help to transfer a load applied to the cover of Dickinson's cabinet.

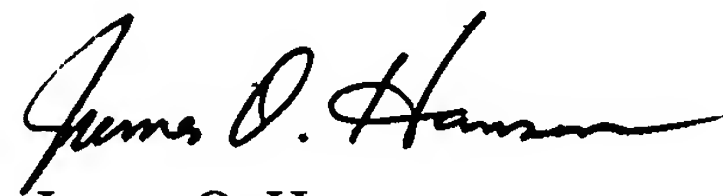
Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Trower et al., describes a portable storage cabinet.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers for Official Papers are as follows:**
Before Final (703) 872-9326 & After Final (703) 872-9327.

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Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
July 15, 2002